## **COUNCIL COMING ATTRACTIONS**



## Week of March 27, 2017

Bethesda Downtown Sector Plan, Housing and Building Maintenance Standards, and Healthy Vending Machine Standards



Council Coming Attractions is a summary of some of the issues before the Council. All Council staff reports and additional information on each item scheduled for Council or Committee review can be viewed at: <a href="http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html">http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html</a>.

Also the Council meeting schedule may change from time to time. The current Council and Committee agendas can also be viewed at:

http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html.

On March 28 the Council session will begin at 9:30 a.m. with a proclamation presentation by Councilmember Floreen recognizing Equal Pay Day.

## COUNCIL

Resolution to Amend Resolution 18-714, Approval of July 2016 Planning Board Draft Greater Lyttonsville Sector Plan

The Council is scheduled to vote on Resolution 18-714 which includes two technical corrections to the Greater Lyttonsville Sector Plan. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view\_id=136&event\_id=5017&meta\_id=133578.

First, the Council clearly voted to change the zoning on the Claridge House Property as reflected in the Council staff report and Council discussions. The resolution approved by the Council did not reflect this change because it modifies the text of the Planning Board Draft Sector Plan which did not discuss the zoning for this property. (It was only shown on a map.) Second, the resolution inadvertently changed the name of the Lyttonsville Purple Line Station to the Brookville Road

Station. The Council received correspondence from residents concerned about the change. This type of technical correction could be done by Planning Department staff as they prepare the final printed version, but since the Council will be amending the resolution, this change can be reflected at the same time. Council staff recommends approval of Resolution 18-714.

Montgomery College—FY18 Capital Budget and Amendments to the FY17-22 Capital Improvements Program

The Council is scheduled to vote on Montgomery College's FY18 Capital Budget and CIP amendments. The FY18 capital budget request for Montgomery College totals \$39.042 million. The six-year total amended CIP request is \$332.89 million, a decrease of \$378,000 over the approved FY17-22 CIP. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view\_id=136&event\_id=5017&meta\_id=133580.

The Education (ED) Committee reviewed the College's CIP request and recommends:

- Approval of the requested new project, Collegewide Road/Parking Lot Repairs and Replacements.
- Approval of the amendments to the Collegewide Physical Education Renovations, Rockville Student Services Center, Germantown Science and Applied Studies Phase 1 Renovation, and Germantown Observation Drive Reconstruction projects that reflect escalation cost increases, schedule adjustments, and/or alignment of PDF expenditures with actual cash flow.
- Concurrence with the Executive's recommendation for the Planning, Design, and Construction project to fund a salary enhancement that matches the FY17 increase received by other employees but not to fund a projected FY18 enhancement. This is consistent with past practice.
- Approval of the amended expenditure schedule for the Takoma Park/Silver Spring Math and Science Center project, but defer a decision on the Executive's recommended changes in funding sources pending additional staff analysis.
- Washington Suburban Sanitary Commission—FY18-23 Capital Improvements Program
  The Council is scheduled to vote on WSSC's FY18-23 CIP, which is \$1.89 billion (a decrease of \$129.9 million, or 6.4 percent, from the FY17-22 CIP). This decrease follows a similar decrease in WSSC's CIP last year (-5.1 percent or -\$107 million). The largest decreases are in the Trunk Sewer Reconstruction project (-\$109.6 million) and the Blue Plains projects (-\$49 million). There are also some major increases in the Large Diameter Water Pipe Rehabilitation Program (\$62.6 million), the Potomac WFP Consent Decree Program (\$12.7 million), and the Piscataway WWTP Facility Upgrades (\$12.9 million) and BioEnergy Project (\$11.7 million). The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view\_id=136&event\_id=5017&meta\_id=133582.

The Transportation, Infrastructure, Energy & Environment (T&E) Committee reviewed WSSC's CIP and recommends approval with revised cost assumptions for the Blue Plains Wastewater Treatment Plant projects.

- The Committee noted that WSSC faces many large capital challenges going forward including:
  - ✓ Numerous Potomac Water Filtration Plant-related projects, such as implementing the Potomac Water Filtration Plant Consent Decree (solids discharges) power reliability improvements at the Potomac WFP, and the Submerged Channel Intake;
  - ✓ Piscataway Bio-Energy project;
  - √ Sanitary Sewer Overflow Consent Decree;
  - ✓ major ongoing large and small diameter pipe water and sewer reconstruction; and
  - ✓ potential regional water resiliency initiatives.
- Given the many needs identified, the Committee asked Council staff and WSSC to develop fiscal scenarios going forward and a prioritization of both capital and operating spending in the context of next fall's spending control limits discussion.

Transportation—Amendments to FY17-22 Capital Improvements Program— Transportation Projects

The Council is scheduled to vote on the FY17-22 CIP amendments for transportation projects. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view\_id=136&event\_id=5017&meta\_id=133584.

The Transportation, Infrastructure, Energy & Environment (T&E) Committee recommends the following:

- Intelligent Transit System and Advanced Transportation Management System Concur with these amendments as proposed.
- Bridge Renovation, Century Boulevard, and Wapakoneta Road Improvements Concur with these amendments as proposed.
- Resurfacing: Residential/Rural Roads and Sidewalk & Curb Replacement Concur with these amendments as proposed.
- Traffic Signals
  - Do not approve. The Council will reconcile the final CIP in May, and depending on where it ends up prior to reconciliation, a different set of adjustments will likely be necessary.
- Executive recommended delays to Council-initiated projects

  Do not approve. The Council may need to resort to one or more of these deferrals for the final CIP reconciliation in May, but there is no reason to consider deferring them now.
- Other Executive recommended amendments Concur with these amendments as proposed.
- Bowie Mill Bikeway
  - Accelerate the start of the Bowie Mill Bikeway study by one year in the Facility Planning-Transportation project.
- Capital Crescent Trail (CCT) extension Amend the Capital Crescent Trail project to include \$3.8 million for design of the "tunnel" route during fiscal years 2018-2020. Once design is complete, the Council will have a precise scope and cost estimate, and can then budget construction.

## COMMITTEE

Bethesda Downtown Sector Plan

On March 27 at 2 p.m. the Planning, Housing and Economic Development (PHED) Committee will continue its review of the Bethesda Downtown Sector Plan. At this meeting, the Committee will focus on affordable housing issues, a few follow-up issues, the Plan's site-specific recommendations for the Battery Lane District, and the Plan's allocation of density between commercial and residential density. The staff report can be viewed:

http://montgomerycountymd.granicus.com/MetaViewer.php?view id=136&event id=5305&meta id=133558.

The Planning Board's July 2016 Draft Bethesda Downtown Sector Plan can be viewed at: http://montgomeryplanning.org/wp-content/uploads/2016/12/BDP-Planning-Board-Draft lowres2.pdf.

A summary of the Planning Board's Draft Plan presentation can be viewed at:

http://www.montgomeryplanning.org/community/bethesda\_downtown/documents/BDP\_PlanningBoardDraftPresentation\_091416.pdf

Downtown Bethesda is located along Wisconsin Ave. between Friendship Heights and the Capital Beltway, centered on the intersection of Wisconsin Ave., Old Georgetown Rd. and East-West Hwy. The Bethesda Downtown Plan retains the Plan Area boundary of the 1994 Bethesda Central Business District (CBD) Sector Plan, including the areas covered by both the 2006 Woodmont Triangle Amendment and the 2014 Planning Board Draft Bethesda Purple Line Station Minor Master Plan Amendment. The area covers approximately 451 acres and is bounded by the National Institutes of Health campus on the north; Tilbury St., Sleaford Rd., Cheltenham Rd., Capital Crescent Trail, 46th St., and West Ave. on the east; Norwood Park and Nottingham Dr. on the south; and Arlington Rd. and Old Georgetown Rd. on the west.

Some of the goals of the proposed Plan include:

- Coordinating and aligning the Central Business District (CBD), Urban District (UD), and Parking Lot District (PLD) boundaries.
- Preserving and enhancing the community's existing affordable housing throughout the Sector Plan area by leveraging proximity to transit stations and supporting flexible zoning and density incentives and expanded economic programs.
- Making the increased provision for moderately priced dwelling units (MPDUs) from 12.5
  percent to 15 percent a priority amenity in all optional method projects.
- Consolidating retail in appropriate places in the Sector Plan area through designated retail centers or nodes.
- Strengthening the centers of activity through economic, social, and environmental aspects of sustainability.
- Encouraging mixed-use development to allow development to adapt to market conditions.
- Creating new civic gathering spaces in the expanded centers of activity.
- Executive Regulation 27-16, Schedule of Fees for Permits, Licenses and Certifications
  On March 28 at 2 p.m. the PHED Committee will review Executive Regulation 27-16. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view\_id=136&event\_id=5306&meta\_id=133560.

This regulation amends Executive Regulation 14-16 to establish a permit fee for the creation or alteration of Ownership Units as provided in Chapter 8-24 of the Montgomery County Code.

- Bill 35-16 requires a person to obtain a permit from the Dept. of Permitting Services (DPS)
  to create or alter certain Ownership Units. DPS is an enterprise fund that must recover all
  operational costs related to the administration of permits. The proposed amendment is
  required to cover the costs related to this new permit type.
- Bill 38-16, Housing and Building Maintenance Standards Foreclosed Property Registration Penalty

The Committee will review Bill 38-16. Councilmember Hucker is the lead sponsor. Council President Berliner and Councilmembers Navarro, Elrich, Riemer, Leventhal, and Floreen are cosponsors. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view\_id=136&event\_id=5306&meta\_id=133562.

Bill 38-16 would impose a civil penalty for the failure to register a foreclosure purchase. The maximum penalty for a violation would be \$1,000 for an initial or repeat offense. Each day a violation continues is considered a separate offense.

- Maryland law currently requires a purchaser of a foreclosed property to register with the State Department of Labor, Licensing and Regulation (DLLR) within 30 days of the property's foreclosure sale. The goal of the law is to address the nine- to eighteen-month period that frequently occurs between the date of a foreclosure and the date of title transfer. During this time, local jurisdictions may have a difficult time identifying the responsible party for maintenance, security, and taxes.
- According to Councilmember Hucker, the State Foreclosure Registry reported 1,432 foreclosures countywide in FY15 with 34 percent failing to register or registering after the deadline.
- Bill 39-16, Housing and Building Maintenance Standards Registration of Vacant Property The Committee also will review Bill 39-16. Councilmember Hucker is the lead sponsor. Council President Berliner and Councilmembers Leventhal, Navarro, Elrich, Riemer, Rice, and Floreen are cosponsors. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view\_id=136&event\_id=5306&meta\_id=133564.

Bill 39-16 would require the owners of unmaintained vacant buildings to register those vacant buildings with the Director of the Dept. of Housing and Community Affairs (DHCA), require the payment of certain fees, and require inspections for unmaintained vacant buildings.

- According to Councilmember Hucker, there are 350 known vacant properties located in the County and hundreds more are unidentified because of a lack of reporting.
- Once a property is registered, DHCA must perform an initial inspection for housing code violations. Any subsequent DHCA inspections will be charged to the homeowner on a graduated fee schedule.
- Creating a registry would enable the County to collect data on the number of vacant houses.
   Inspections will make County agencies aware of more violations and help to generate timely corrective action.
- Supplemental appropriation WorkSource Montgomery NDA: \$425,000 for Workforce Development Initiatives

The Committee will close out the meeting by reviewing a supplemental appropriation for workforce development activities in the County. The staff report can be viewed at: http://montgomerycountymd.granicus.com/MetaViewer.php?view\_id=136&event\_id=5306&meta\_id=133566.

This supplemental appropriation will allocate a portion of the Pepco/Exelon Merger proceeds to promote workforce development, with an emphasis on the promotion of training and job creation in the areas of energy-efficiency, renewable energy, and the Science, Technology, Engineering and Math (STEM) fields. The details of programs developed from these funds are guided by the conditions set forth in Order 86990 of the Maryland Public Services Commission (MD-PSC). The Executive recommends approval. The Chief Administrative Officer (CAO) has determined that an amended contract with this entity serves a public purpose and is in the public interest. The CAO recommends that the Council amend the Miscellaneous Provision in Section G of Resolution 18-506 for the FYI7 Designation of Entities for Non-Competitive Award.

- Interagency Technology Policy and Coordination Committee (ITPCC) Work Plan
  On March 30 at 9:30 a.m. the Government Operations and Fiscal Policy (GO) Committee will
  review the ITPCC Work Plan. Casey Anderson, Planning Board Chair, M-NCPPC, and ITPCC
  Chair, will present the work plan to the Committee. He also will provide an update on FiberNet
  use by the agencies and the larger vision for using Broadband in the County. The staff report
  will be available on March 28.
  - The ITPCC was chartered by the Council to promote strategic planning and coordination in the use of information technology among County agencies. The ITPCC includes representatives from Montgomery County Government, Montgomery County Public Schools, Montgomery College, the Maryland-National Capital Park and Planning Commission, the Washington Suburban Sanitary Commission, and the Housing Opportunities Commission. The ITPCC provides a forum for coordinated implementation of technology policies and guidelines, interagency communication, and the evaluation and sharing of new technology.
- Agencies' FY18 Information Technology Programs and Budgets
  The Committee will be briefed on information technology programs and budgets in Montgomery
  County Government, Montgomery County Public Schools, Montgomery College, the MarylandNational Capital Park and Planning Commission, the Washington Suburban Sanitary
  Commission, and the Housing Opportunities Commission. The Committee also will discuss how
  Chief Information Officers used information technology in 2017 and review proposals for 2018.
  The staff report will be available on March 28.
- Bill 1-17, Vending Machine Service Contracts Healthy Vending Standards
  The Committee will close out its meeting by reviewing Bill 1-17. Councilmember Leventhal is the lead sponsor. Council President Berliner and Councilmembers Rice, Navarro, Riemer and Elrich are cosponsors. The staff report will be available on March 28. Bill 1-17 would require certain County vending machine service contracts to contain nutritional standards and labeling and product placement requirements. Any vending machine service contract entered into by the County, on or after July 1, 2017, would require at least 50 percent of the food and beverage items

offered for sale to meet the healthy vending standards established in the bill. After July 1, 2018, 65 percent of the food and beverage items offered for sale must meet the healthy vending standards. All new vending machine contracts entered into by the County would require:

- all food or beverage items offered for sale to be less than 0.5 grams of trans-fat per serving and no more than 200 milligrams of sodium per package; and
- any beverage offered for sale be less than 250 calories or 20 fluid ounces.
- Joint Meeting with Prince George's County Council's Transportation, Housing and Environment (THE) Committee

On March 30 at 10 a.m. the Transportation, Infrastructure, Energy and Environment (T&E) Committee will meet with Prince George's County Council's Transportation, Housing and Environment (THE) Committee at WSSC in Laurel. The meeting will include a status report on the Purple Line, WSSC's Rate Structure Review and New Hampshire Ave. Revitalization.

- US 29 Bus Rapid Transit Project
  - On March 30 at 2 p.m. the T&E Committee will receive a briefing on the US 29 Bus Rapid Transit (BRT) Project. Those expected to attend the meeting include: Al Roshdieh, Director, DOT; Joana Conklin Rapid Transit System Coordinator, DOT; and a representative from the Maryland Dept. of Transportation. The staff report will be available on March 28.
  - The US 29 BRT line would run between Burtonsville and Industrial Parkway in a dedicated lane, and from Industrial Parkway to Downtown Silver Spring in mixed traffic. BRT vehicles are larger and are boarded directly from higher-level platforms. BRT vehicles make fewer stops than buses to reduce travel times.
  - More information on the County's BRT program is available at: http://getonboardbrt.com/.
  - The Council will hold a public hearing on the US 29 BRT Project on April 18 at 7:30 p.m.
- Supplemental appropriation FY17 Operating Budget, Restricted Donations Special Revenue Fund: \$3,050,000 for Montgomery County Green Bank and \$400,000 for Energy Coach Network

The Committee will review a \$3,050,000 supplemental appropriation for the Montgomery County Green Bank and \$400,000 for the Home Energy Coach Network. The Executive recommends approval. The staff report will be available on March 28. This funding comes from the proceeds received from the merger of Pepco Holdings Incorporated and the Exelon Corporation (Pepco and Exelon). The appropriation will fund the start-up of the Montgomery County Green Bank (Green Bank) and an Energy Coach Network. These programs will be overseen by the Dept. of Environmental Protection (DEP) and the Dept. of Health and Human Services (DHHS).

- The funding will support the start-up of the Green Bank and provide financing for a comprehensive package of programs to leverage investment in clean energy and energyefficiency technology.
- The Energy Coach Network will provide customized, community-level education on the benefits of energy efficiency, availability of programs, and opportunities for assistance. The details of both programs are guided by the conditions set forth in Order 86990 of the Maryland Public Services Commission (MD-PSC).
- The Chief Administrative Officer (CAO) has determined that a contract with the Montgomery County Green Bank serves a public purpose and is in the public interest. The CAO recommends that the Council amend the Miscellaneous Provision in Section G of Resolution 18506 for the FYI7 Designation of Entities for Non-Competitive Award. A vendor for the Home Energy Coach Network has not yet been determined.

Denial of abandonment-Grant Street in Huntington Terrace Subdivision in Bethesda The Committee also will review the denial of an abandonment request. The staff report will be available on March 28. The applicant, Mark Navolio, who resides at 5500 Roosevelt St. in Bethesda, is requesting that the County abandon 18 feet of a right-of-way located on the applicant's side lot line. The applicant currently has a permitted driveway in this area. The entire right-of-way is 50-feet-wide and has a hiker/biker path situated in the center. The request does not affect the right-of-way needed for the path. The applicant needs the abandonment to fulfill setback requirements to expand his house. Opinions on this abandonment are mixed from the neighbors. All agencies recommend approval of the abandonment. The Hearing Examiner recommends denial.